



# PUBLIC NOTICE

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DA 07-655  
Released: February 12, 2007

## DOMESTIC SECTION 214 APPLICATION FILED FOR THE TRANSFER OF CONTROL OF TELECARRIER SERVICES, INC. FROM ELEC COMMUNICATIONS CORP. TO CYBD ACQUISITION II, INC.

### STREAMLINED PLEADING CYCLE ESTABLISHED

WC Docket No. 07-15

Comments Due: February 26, 2007  
Reply Comments Due: March 5, 2007

On January 22, 2007, Telecarrier Services, Inc. ("TSI"), eLEC Communications Corp. ("ELEC" or "Transferor"), CYBD Acquisition II, Inc. ("CYBDAIL"), and CYBDAIL's parent company, Cyber Digital, Inc. ("Cyber Digital", collectively "Applicants") filed an application, pursuant to section 63.04 of the Commission's rules,<sup>1</sup> requesting authority to transfer control of TSI from ELEC to CYBDAIL.<sup>2</sup>

Applicants assert that this transaction is entitled to presumptive streamlined treatment under section 63.03(b)(2)(i) of the Commission's rules because the proposed transaction will result in: (1) Applicants and their affiliates holding less than a 10% share of the interstate, interexchange market; (2) Applicants and their affiliates providing competitive telephone exchange services or exchange access services (if at all) exclusively in geographic areas served by dominant local exchanges carriers that are not parties to the transaction; and (3) none of the Applicants or their affiliates are dominant with respect to any service.<sup>3</sup>

<sup>1</sup> 47 C.F.R. § 63.04; *see* 47 U.S.C. § 214. Applicants filed two supplements to their original application. *See* Letter from Leon Nowalsky, Counsel for Applicants, to Federal Communications Commission, WC Docket No. 07-15 (filed Feb. 6, 2007); Letter from Leon Nowalsky, Counsel for Applicants, to Federal Communications Commission, WC Docket No. 07-15 (filed Feb. 7, 2007).

<sup>2</sup> Applicants are also filing applications for transfer of control associated with authorization for international services. Any action on this domestic 214 application is without prejudice to Commission action on other related, pending applications.

<sup>3</sup> *See* 47 C.F.R. § 63.03(b)(2)(i).

TSI, a Delaware corporation, provides long distance and resold local telecommunications services in Florida, Massachusetts, New Jersey, New York, and Pennsylvania. TSI is a wholly-owned subsidiary of ELEC, a publicly-held New York corporation. Applicants assert that no shareholder owns a 10 percent or greater share of the equity or controlling interest in ELEC.

CYBDAIL, a New York corporation, is a wholly-owned subsidiary of Cyber Digital, a New York corporation. CYBDAIL was formed solely for the purpose of effectuating this transaction. The Applicants assert that neither Cyber Digital, nor any of its subsidiaries or affiliates, currently provide telecommunications services, except for the pending application for the transfer of control of New Rochelle Telephone Corp., WC Docket No. 07-14.<sup>4</sup> The following persons or entities own or control a 10% or greater interest in Cyber Digital: Jawahar C. Chatpar (45.7%); and Prem Chatpar (11.6%), both U.S. citizens. The Applicants assert that no other individual or company owns a 10 percent or greater or controlling interest in Cyber Digital. The Applicants also assert that the owners of Cyber Digital do not have any ownership interest in any other telecommunications companies nor do they operate any other telecommunications companies, except for the pending application for transfer of control of New Rochelle Telephone Corp., WC Docket No. 07-14.

Pursuant to an agreement, Applicants propose to complete a transaction through which CYBDAIL will purchase all of the issued and outstanding common stock of TSI from ELEC. The agreement will transfer control of TSI from ELEC to CYBDAIL with TSI continuing to operate and provide service under its current authorizations.

Applicants state that grant of this application will promote competition in the domestic interexchange and international telecommunications markets by allowing the company to become a stronger competitor. Applicants assert that the customers of TSI will benefit from CYBDAIL's resources and assets, which will help ensure continuity of service and enhance the ability of TSI to offer a broader range of innovative products and services to customers.

## **GENERAL INFORMATION**

The transfer of control identified herein has been found, upon initial review, to be acceptable for filing as a streamlined application. The Commission reserves the right to return any transfer of control application if, upon further examination, it is determined to be defective and not in conformance with the Commission's rules and policies. Pursuant to sections 1.415 and 1.419 of the Commission's rules, 47 CFR §§ 1.415, 1.419, interested parties may file **comments on or before February 26, 2007 and reply comments on or before March 5, 2007.**<sup>5</sup> Unless otherwise notified by the Commission, Applicants are permitted to transfer the assets and

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<sup>4</sup> Domestic Section 214 Application filed for the transfer of control of New Rochelle Telephone Corp. from eLEC Communications Corp. to CYBD Acquisition, Inc., WC Docket No. 07-14 (filed Jan. 16, 2007).

<sup>5</sup> See 47 C.F.R. § 63.03(a).

related control on the 31<sup>st</sup> day after the date of this notice.<sup>6</sup> Comments may be filed using: (1) the Commission's Electronic Comment Filing System (ECFS), (2) the Federal Government's eRulemaking Portal, or (3) by filing paper copies. *See Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

- **Electronic Filers:** Comments may be filed electronically using the Internet by accessing the ECFS: <http://www.fcc.gov/cgb/ecfs/> or the Federal eRulemaking Portal: <http://www.regulations.gov>. Filers should follow the instructions provided on the website for submitting comments.
- **For ECFS filers,** if multiple docket or rulemaking numbers appear in the caption of this proceeding, filers must transmit one electronic copy of the comments for each docket or rulemaking number referenced in the caption. In completing the transmittal screen, filers should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions, filers should send an e-mail to [ecfs@fcc.gov](mailto:ecfs@fcc.gov), and include the following words in the body of the message, "get form." A sample form and directions will be sent in response.
- **Paper Filers:** Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number.

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

The Commission's contractor will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class, Express, and Priority mail should be addressed to 445 12th Street, S.W., Washington D.C. 20554.

**People with Disabilities:** To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to [fcc504@fcc.gov](mailto:fcc504@fcc.gov) or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (tty).

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<sup>6</sup> Such authorization is conditioned upon receipt of any other necessary approvals from the Commission in connection with the proposed transaction.

**You may submit comments, identified by the above noted docket number, by any of the following methods:**

- Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments.
- Federal Communications Commission's Web Site: <http://www.fcc.gov/cgb/ecfs/>. Follow the instructions for submitting comments.
- People with Disabilities: Contact the FCC to request reasonable accommodations (accessible format documents, sign language interpreters, CART, etc.) by e-mail: [FCC504@fcc.gov](mailto:FCC504@fcc.gov) or phone: 202-418-0530 or TTY: 202-418-0432.

**In addition, one copy of each pleading must be sent to each of the following:**

- (1) The Commission's duplicating contractor, Best Copy and Printing, Inc., 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554, [www.bcpiweb.com](http://www.bcpiweb.com); phone: (202) 488-5300 fax: (202) 488-5563;
- (2) Tracey Wilson-Parker, Competition Policy Division, Wireline Competition Bureau, 445 12th Street, S.W., Room 5-A103, Washington, D.C. 20554; email: [tracey.wilson-parker@fcc.gov](mailto:tracey.wilson-parker@fcc.gov);
- (3) Gail Cohen, Competition Policy Division, Wireline Competition Bureau, 445 12th Street, S.W., Room 5-C111, Washington, D.C. 20554; e-mail: [gail.cohen@fcc.gov](mailto:gail.cohen@fcc.gov);
- (4) Susan O'Connell, Policy Division, International Bureau, 445 12th Street, S.W., Room 7-B544, Washington, D.C. 20554; email: [susan.o'connell@fcc.gov](mailto:susan.o'connell@fcc.gov); and
- (5) Jim Bird, Office of General Counsel, 445 12th Street, S.W., Room 8-C824, Washington, D.C. 20554; e-mail: [jim.bird@fcc.gov](mailto:jim.bird@fcc.gov).

Filings and comments are also available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, S.W., Room CY-A257, Washington, D.C. 20554. They may also be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., Portals II, 445 12th Street, S.W., Room CYB402, Washington, D.C. 20554, telephone: (202) 488-5300, fax: (202) 488-5563, or via e-mail [www.bcpiweb.com](http://www.bcpiweb.com).

For further information, please contact Tracey Wilson-Parker at (202) 418-1394 or Gail Cohen at (202) 418-0939.

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